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UNUM PROVIDENT CORPORATION and
PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY

E-FILED ON 07/01/05

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CYNTHIA MENDEZ,

Plaintiff,

vs.

UNUM PROVIDENT CORPORATION;
PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY,

Defendants.

Case No. C04 01312 JW

**STIPULATION TO CONTINUE THE
HEARING OF THE MOTION TO
COMPEL STEPHEN D. PRATER'S
PRODUCTION OF DOCUMENTS
PURSUANT TO SUBPOENA DUCES
TECUM
AND ORDER
Present Hearing**

Date: July 5, 2005
Time: 10:00 a.m.
Ctrm.: 2

Requested Hearing

Date: July 6, 2005

Plaintiff Cynthia Mendez, Stephen Prater, and defendants UnumProvident Corporation and Provident Life & Accident Insurance Company, through their counsel of record, stipulate that the motion to compel be continued for hearing from July 5, 2005 to July 6, 2005. Counsel have discussed other dates on which the court normally hears civil law and motion. However, counsel are not all available on July 12 (the next Tuesday law and motion date on the Court's calendar), and although counsel are available on July 19, 2005, the Court is not available that date.

KELLY, HERLIHY, & KLEIN LLP

Dated: June 29, 2005

By John T. Burnite
John T. Burnite
Attorneys for Defendants
UNUMPROVIDENT CORPORATION
AND PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY

BOHN & BOHN

Dated: June ___, 2005

By: _____
Robert Bohn
Attorney for Plaintiff
CYNTHIA MENDEZ

FRIEDMAN, RUBIN & WHITE

Dated: June ___, 2005

By: _____
Jeffrey K. Rubin
Attorney for Plaintiff
CYNTHIA MENDEZ

COTCHETT, PITRE, SIMON & McCARTHY

Dated: June ___, 2005

By: _____
Barabara L. Lyons
Attorney for Plaintiff
~~CYNTHIA MENDEZ~~
DISCLOSED EXPERT
STEPHEN D. PRATER

//

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By: John T. Burnite
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INSURANCE COMPANY

Dated: June 29, 2005

BOHN & BOHN
By: Robert Bohn
Attorney for Plaintiff
CYNTHIA MENDEZ

FRIEDMAN, RUBIN & WHITE

Dated: June __, 2005

By: Jeffrey K. Rubin
Attorney for Plaintiff
CYNTHIA MENDEZ

COTCHETT, PITRE, SIMON & McCARTHY

Dated: June __, 2005

By: Barabara L. Lyons
Attorney for Plaintiff
CYNTHIA MENDEZ

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- 1 -

STIPULATION TO CONTINUE THE LAST DAY TO HEAR DISPOSITIVE MOTIONS AND FOR A LIMITED EXTENSION OF THE DISCOVERY CUT-OFF.

Case No. C04 01312 JW

1 Plaintiff Cynthia Mendez, Stephen Prater, and defendants UnumProvident Corporation and
2 Provident Life & Accident Insurance Company, through their counsel of record, stipulate that the
3 motion to compel be continued for hearing from July 5, 2005 to July 6, 2005. Counsel have
4 discussed other dates on which the court normally hears civil law and motion. However, counsel are
5 not all available on July 12 (the next Tuesday law and motion date on the Court's calendar), and
6 although counsel are available on July 19, 2005, the Court is not available that date.

7
8 KELLY, HERLIHY, & KLEIN LLP

9 Dated: June __, 2005

By _____

John T. Burnite
Attorneys for Defendants
UNUMPROVIDENT CORPORATION
AND PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY

13 BOHN & BOHN

14 Dated: June __, 2005

By: _____

Robert Bohn
Attorney for Plaintiff
CYNTHIA MENDEZ

18 FRIEDMAN, RUBIN & WHITE

19 Dated: June 29, 2005

By: _____

Jeffrey K. Rubin
Attorney for Plaintiff
CYNTHIA MENDEZ

23 COTCHETT, PITRE, SIMON & McCARTHY

24 Dated: June __, 2005

By: _____

Barabara L. Lyons
Attorney for Plaintiff
CYNTHIA MENDEZ

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- 1 -
STIPULATION TO CONTINUE THE LAST DAY TO HEAR DISPOSITIVE MOTIONS AND FOR A LIMITED
EXTENSION OF THE DISCOVERY CUT-OFF

Case No. CM 01312 JW

Plaintiff Cynthia Mendez, Stephen Prater, and defendants UnumProvident Corporation and Provident Life & Accident Insurance Company, through their counsel of record, stipulate that the motion to compel be continued for hearing from July 5, 2005 to July 6, 2005. Counsel have discussed other dates on which the court normally hears civil law and motion. However, counsel are not all available on July 12 (the next Tuesday law and motion date on the Court's calendar), and although counsel are available on July 19, 2005, the Court is not available that date.

KELLY, HERLIHY, & KLEIN LLP

Dated: June __, 2005

By: John T. Burnite
Attorneys for Defendants
UNUMPROVIDENT CORPORATION
AND PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY

BOHN & BOHN

Dated: June __, 2005

By: Robert Bohn
Attorney for Plaintiff
CYNTHIA MENDEZ

FRIEDMAN, RUBIN & WHITE

Dated: June __, 2005

By: Jeffrey K. Rubin
Attorney for Plaintiff
CYNTHIA MENDEZ

COTCHETT, PITRE, SIMON & McCARTHY

Dated: June 29, 2005

By: *Bonnie Lyons*
Bonnie Lyons
Attorney for Plaintiff
~~CYNTHIA MENDEZ~~
Disclosed Expert
STEPHEN D. PRATER

STIPULATION TO CONTINUE THE LAST DAY TO HEAR DISPOSITIVE MOTIONS AND FOR A LIMITED EXTENSION OF THE DISCOVERY CUT-OFF

Case No. C04 01312 JW

ORDER

In consideration of the stipulation signed by the parties, it is hereby ordered that:

The motion to compel presently scheduled for July 5, 2005 at 10:00 a.m. is continued for hearing to July 6, 2005, 10:00 a.m, Courtroom 2.

IT IS SO ORDERED.

July
Dated ~~xxxx~~ 1, 2005

/s/ Howard R. Lloyd
Magistrate Judge of the United States District Court
Northern District of California

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